



WASHINGTON STATE LEGISLATURE



Legislative Digest No. 2

SIXTIETH LEGISLATURE

Wednesday, January 10, 2007

3rd Day - 2007 Regular Session

SENATE	SB 5044	SB 5045	SB 5046	SB 5047	SB 5048	SB 5049	SB 5050
	SB 5051	SB 5052	SB 5053	SB 5054	SB 5055	SB 5056	SB 5057
	SB 5058	SB 5059	SB 5060	SB 5061	SB 5062	SB 5063	SB 5064
	SB 5065	SB 5066	SB 5067	SB 5068	SB 5069	SJR 8205	SCR 8401
HOUSE	HB 1066	HB 1067	HB 1068	HB 1069	HB 1070	HB 1071	HB 1072

This publication includes digest and history for bills, joint memorials, joint resolutions, concurrent resolutions, initiatives, and substitutes. Engrossed measures may be republished if the amendment makes a substantive change.

Electronic versions of Legislative Digests are available at <http://apps.leg.wa.gov/billinfo/digests.aspx?year=2007>.

House Bills

HB 1066 by Representatives Kirby, Strow, Simpson, Rodne, Lovick, Clibborn, Dunshee, Sells, P. Sullivan, Morrell, and Kenney

Prohibiting interested third parties from processing insurance claims.

Provides that no insurer may administer auto glass claims by contract with a third-party administrator if the third-party administrator directly or indirectly engages in the auto glass business, which business includes the repair, replacement, and retailing of auto glass but not the claim administration process.

Declares that each claim processed by a third-party administrator in violation of this act shall be considered a violation of chapter 48.30 RCW and subject to the penalty provisions of RCW 48.05.140 and 48.05.185.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Insurance, Financial Service & Consumer Protection.

HB 1067 by Representatives Haigh, Priest, Conway, Fromhold, Green, Ericks, Simpson, Kenney, and B. Sullivan

Authorizing certain members of the teachers' retirement system plan 1 to join the public employees' retirement system plan 1.

Authorizes certain members of the teachers' retirement system plan 1 to join the public employees' retirement system plan 1.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Appropriations.

HB 1068 by Representatives Hunt, Newhouse, Fromhold, Armstrong, Dunshee, McDonald, and Morrell; by request of Department of Community,

Trade, and Economic Development and Public Works Board

Increasing nonconstruction loan limits for projects using financing through the public works board.

Finds that it is in the state's best fiscal interest to ensure that community infrastructure projects are ready to proceed when applying for and receiving public works board approved construction loans. Many jurisdictions use portions of their construction loans to pay for nonconstruction activities, such as planning and preconstruction, to get ready for construction. This means some of the construction phase takes place at the end of the loan agreement, and requires jurisdictions to request loan extensions.

Recognizes this type of financing strategy slows down the expenditure of funds, limits the amount of funding available for construction loans, and increases the amount requested for reappropriation.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Capital Budget.

HB 1069 by Representatives Williams, Hunt, and B. Sullivan

Designating the Pacific chorus frog as the state amphibian. Designates the Pacific chorus frog as the state amphibian.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to State Gov & Tribal Affairs.

HB 1070 by Representatives Williams, Hunt, Hudgins, Hasegawa, Appleton, Simpson, and Moeller

Regarding the limitations on a legislator's use of public resources.

Declares an intent that chapter 42.52 RCW shall not be read to limit a legislator's use of public resources to only investigating facts surrounding an issue or dispute involving constituents and a government office or government official, or between constituents.

Declares that a de minimis cost includes letters or electronic communication by a legislator advocating a personal position when gathering facts and investigating issues or disputes involving constituents and a government office or government official, or between constituents. All such letters and electronic communications are subject to public disclosure.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to State Gov & Tribal Affairs.

HB 1071 by Representatives Clibborn, Kessler, Kagi, Hudgins, Hasegawa, Eddy, Upthegrove, McCoy, Sells, McIntire, Fromhold, Jarrett, Appleton, Goodman, Haler, Green, Lantz, Ericks, Hunter, Williams, Darneille, Morrell, Simpson, Lovick, Kenney, Conway, Walsh, Moeller, B. Sullivan, Quall, Rolfes, Pettigrew, and Wallace; by request of Governor Gregoire

Concerning access to health care services for children.

Declares that, in order to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives, the state recognizes the importance that access to appropriate health services and improved health brings to the children of Washington state. In addition, fully immunized children are themselves protected, and in turn protect others, from contracting communicable diseases.

Declares that, consistent with the goals established in RCW 74.09.402, the department shall design and administer a program to provide affordable health care coverage to children under the age of nineteen who reside in Washington state and whose family income at the time of enrollment is not greater than two hundred fifty percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services. In administering the program, the department shall take such actions as may be necessary to ensure the receipt of federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available in the future.

Finds that parents have a responsibility to: (1) Enroll their children in affordable health coverage;

(2) Ensure that their children receive appropriate well-child preventive care;

(3) Link their child with a medical home; and

(4) Understand and act upon the health benefits of good nutrition and physical activity.

Directs the department, in collaboration with the department of health, health plans, local public health jurisdictions, children's health care providers, parents, and other purchasers, to identify explicit performance measures that indicate that a child has an established and effective medical home, such as: (1) Childhood immunization rates;

(2) Well child care utilization rates, including the use of validated, structured developmental assessment tools that include behavioral and oral health screening;

(3) Care management for children with chronic illnesses;

(4) Emergency room utilization; and

(5) Preventive oral health service utilization.

Declares that it is the goal of Washington state to ensure that: (1) By 2010, all K-12 districts have school health advisory committees that advise school administration and school board members on policies, environmental changes, and programs needed to support healthy food choice and physical activity and childhood fitness.

(2) By 2010, only healthy food and beverages shall be available on school campuses. Minimal standards for available food items, except food served as part of a United States department of agriculture meal program, include: (a) not more than thirty-five percent of its total calories from fat; (b) not more than ten percent of its total calories from saturated fat; and (c) not more than thirty-five percent of its total weight or fifteen grams sugar per food item composed of sugar, including naturally occurring and added sugar.

(3) By 2010, all students in grades one through eight should have at least thirty minutes of quality physical education per school day.

(4) By 2010, all student health and fitness instruction shall be conducted by appropriately certified instructors.

(5) By 2010, any district waiver or exemption policy from physical education requirements for high school students shall be based upon meeting both health and fitness curricula concepts as well as relevant and adequate physical activity.

Repeals RCW 74.09.405, 74.09.415, 74.09.425, 74.09.435, and 74.09.450.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Health Care & Wellness.

HB 1072 by Representatives McIntire, Condotta, Kagi, Hunter, Upthegrove, McCoy, Sells, Ericks, Kenney, Moeller, Quall, and Haler; by request of Governor Gregoire

Conforming Washington's tax structure to the streamlined sales and use tax agreement.

Conforms Washington's tax structure to the streamlined sales and use tax agreement.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Finance.

Senate Bills

SB 5044 by Senators Weinstein, Oemig, Franklin, Rockefeller, Fraser, Brown, Kauffman, Rasmussen, Keiser, Regala, Jacobsen, McAuliffe, and Kohl-Welles

Modifying the statute of limitations on real property claims.

Amends RCW 4.16.310 to modify the statute of limitations on real property claims.

Declares that this act does not apply to a cause of action for a structural defect in the construction of a residence.

Provides that, for the purposes of this act, "structural defect" means any defect in the load-bearing portions of a residence that adversely affects its load-bearing function to the extent that the residence becomes or is in serious danger of becoming unsafe, unsanitary, or otherwise is not

reasonably safely habitable. "Structural defect" also includes damage due to subsidence, expansion, or lateral movement of soil that has been disturbed or relocated by the builder.

Does not include damage to a residence caused by movement of the soil: (1) Resulting from a flood or earthquake; or

(2) For which compensation has been provided.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Judiciary.

SB 5045 by Senators Weinstein, Fairley, Oemig, Franklin, Regala, Fraser, Kauffman, Pridemore, Haugen, Keiser, Spanel, Jacobsen, and Kohl-Welles

Providing for the licensing of contractors.

Revises provisions relating to the licensing of contractors.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Labor, Commerce, Research & Development.

SB 5046 by Senators Weinstein, Fairley, Regala, Oemig, Keiser, Fraser, Jacobsen, McAuliffe, Kohl-Welles, and Kline

Creating a cause of action for residential construction defects.

Provides that any homeowner may file an action in tort against the builder, general contractor, subcontractor, material supplier, individual product manufacturer, or design professional to recover damages arising out of, or related to deficiencies in, the construction, design, specifications, surveying, planning, supervision, or testing of the homeowner's residence. This act applies to original construction intended to be sold as an individual dwelling unit as well as remodeling construction on an existing residence. This act does not apply to condominium conversions.

Declares that no action for damages under this act shall be maintained unless it is commenced within four years of the date the claimant discovered, or with reasonable diligence should have discovered, that a standard listed in this act was not followed.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Consumer Protection & Housing.

SB 5047 by Senators Weinstein, Franklin, Kauffman, Rockefeller, Fraser, Pridemore, Jacobsen, Kohl-Welles, and Kline

Providing for the surety bond amounts that contractors are required to file with the department of labor and industries.

Amends RCW 18.27.040 providing for the surety bond amounts that contractors are required to file with the department of labor and industries.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Labor, Commerce, Research & Development.

SB 5048 by Senators Weinstein, Kauffman, Brown, Eide, Pridemore, Fraser, Franklin, Rockefeller,

Murray, Keiser, Oemig, Regala, Jacobsen, Kohl-Welles, and Kline

Concerning construction defect actions.

Provides that, if an action is dismissed without prejudice under this act, the applicable statute of limitations for the claims shall be tolled from the earlier of the commencement of the dismissed action or the service of the original notice of claim, and shall remain tolled until sixty days after the period of time during which the filing of a subsequent action is barred under this act.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Consumer Protection & Housing.

SB 5049 by Senators Weinstein, Jacobsen, Kohl-Welles, and Kline

Creating a new home warranty.

Requires that every contract for the construction or sale of a new home includes, as a matter of law, a warranty from the residential builder that shall warrant at a minimum that:

(1) For two years, beginning on the warranty date, the new home is free from any defects in materials and workmanship;

(2) For three years, beginning on the warranty date, the new home is free from any defects in the electrical, plumbing, heating, cooling, and ventilating systems, except that in the case of appliances, fixtures, and items of equipment, the warranty need not exceed the length and scope of the warranty offered by the manufacturer, and the warranty of merchantability, fitness, and all other implied warranties with respect to appliances, fixtures, and items of equipment shall be governed by the Washington uniform commercial code;

(3) For five years, beginning on the warranty date, the new home is free from any defects resulting from water penetration; and

(4) For ten years, beginning on the warranty date, the new home is free from any structural defects.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Consumer Protection & Housing.

SB 5050 by Senators Weinstein, Franklin, Kauffman, Rockefeller, Oemig, Murray, Rasmussen, Keiser, and Kohl-Welles

Modifying the mileage tolling calculation in the motor vehicle lemon law.

Amends RCW 19.118.041 to modify the mileage tolling calculation in the motor vehicle lemon law.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Consumer Protection & Housing.

SB 5051 by Senators Weinstein, Oemig, Kauffman, Jacobsen, Shin, and Kohl-Welles

Creating a scholar's designation for high school transcripts.

Provides that, beginning with the graduating class of 2008, each student who takes the assessment before completing tenth grade and who achieves level four the first time the student takes that content area assessment, shall receive a scholar's designation on his or her transcript

for each content area in which the student achieves level four the first time the student takes that content area assessment.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Early Learning & K-12 Education.

SB 5052 by Senators Eide, Roach, Franklin, Hobbs, Fairley, Kastama, Prentice, Jacobsen, Shin, and Parlette

Prohibiting interested third parties from processing insurance claims.

Provides that no insurer may administer auto glass claims by contract with a third-party administrator if the third-party administrator directly or indirectly engages in the auto glass business, which business includes the repair, replacement, and retailing of auto glass but not the claim administration process.

Declares that each claim processed by a third-party administrator in violation of this act shall be considered a violation of chapter 48.30 RCW and subject to the penalty provisions of RCW 48.05.140 and 48.05.185.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Financial Institutions & Insurance.

SB 5053 by Senators Keiser, Kohl-Welles, and Kline

Creating the office of the ombudsman for workers of industrial insurance self-insured employers.

Creates the office of the ombudsman for workers of industrial insurance self-insured employers.

Requires that any ombudsman authorized by chapter 51.14 RCW shall have training or experience, or both, in the following areas: (1) Industrial insurance including self-insurance programs;

(2) The legal system;

(3) Dispute or problem resolution techniques, including investigation, mediation, and negotiation.

Declares that the ombudsman program shall have the following powers and duties: (1) To act as an advocate for injured workers of self-insured employers;

(2) To offer and provide information on industrial insurance as appropriate to workers of self-insured employers;

(3) To identify, investigate, and facilitate resolution of industrial insurance complaints from workers of self-insured employers;

(4) To maintain a statewide toll-free telephone number for the receipt of complaints and inquiries; and

(5) To refer complaints to the department when appropriate.

Requires that to provide start-up funding for the ombudsman's office, the department shall impose a one-time assessment on all self-insurers. The amount of the assessment shall be determined by the department and shall not exceed the amount needed to pay the start-up costs.

Provides that ongoing funding for the office shall be obtained as part of an annual administrative assessment of self-insurers under RCW 51.44.150. This assessment shall be proportionately based on the number of claims for each self-insurer during the past year.

Directs the ombudsman to provide the governor with an annual report that includes the following: (1) A description of the issues addressed during the past year and a very brief description of case scenarios in a form that does not compromise confidentiality;

(2) An accounting of the monitoring activities by the ombudsman; and

(3) An identification of the deficiencies in the industrial insurance system related to self-insurers, if any, and recommendations for remedial action in policy or practice.

Provides that the first annual report shall be due on or before October 1, 2007. Subsequent reports shall be due on or before October 1st.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Labor, Commerce, Research & Development.

SB 5054 by Senators Kastama, Haugen, Fairley, Roach, Kline, and Kilmer; by request of Military Department

Concerning limited emergency worker volunteer immunity.

Provides that no act or omission by a covered volunteer emergency worker while engaged in a covered activity shall impose any liability for civil damages resulting from such an act or omission upon: (1) The covered volunteer emergency worker;

(2) The supervisor or supervisors of the covered volunteer emergency worker;

(3) Any facility or their officers or employees;

(4) The employer of the covered volunteer emergency worker;

(5) The owner of the property or vehicle where the act or omission may have occurred during the covered activity;

(6) Any local organization that registered the covered volunteer emergency worker; and

(7) The state or any state or local governmental entity.

Applies only when the covered volunteer emergency worker was engaged in a covered activity: (1) Within the scope of his or her assigned duties;

(2) Under the direction of a local emergency management organization or the department, or a local law enforcement agency for search and rescue; and

(3) The act or omission does not constitute gross negligence or willful or wanton misconduct.

Repeals RCW 38.52.570.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Government Operations & Elections.

SB 5055 by Senators Prentice, Kohl-Welles, Keiser, and Kline

Concerning jurisdiction under the Indian gaming regulatory act.

Amends RCW 9.46.36001 to remove expiration dates for state consent to federal court jurisdiction in actions under the Indian gaming regulatory act.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Labor, Commerce, Research & Development.

SB 5056 by Senators Rasmussen, Schoesler, Shin, Berkey, Hatfield, Jacobsen, Haugen, Kline, and Sheldon; by request of Department of Agriculture

Continuing the small farm direct marketing assistance program.

Deletes the expiration date of July 1, 2007.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Agriculture & Rural Economic Development.

Jan 11 Scheduled for public hearing in committee. (Subject to change)

SB 5057 by Senators Rasmussen, Schoesler, Shin, Hatfield, and Jacobsen; by request of Department of Agriculture

Repealing the statutes regulating food lockers.

Repeals the statutes regulating food lockers.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Agriculture & Rural Economic Development.

Jan 11 Scheduled for public hearing in committee. (Subject to change)

SB 5058 by Senators Marr, McCaslin, Brown, Parlette, Haugen, Shin, Murray, and Roach; by request of Department of Veterans Affairs

Establishing the eastern Washington state veterans' cemetery.

Directs the department to establish and maintain in this state an eastern Washington state veterans' cemetery.

Provides that all honorably discharged veterans, as defined by RCW 41.04.007, and their spouses are eligible for interment in the eastern Washington state veterans' cemetery.

Directs the department to collect all federal veterans' burial benefits and other available state or county resources.

Authorizes the department to adopt rules defining the services available, eligibility, fees, and the general operations associated with the eastern Washington state veterans' cemetery.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Government Operations & Elections.

SB 5059 by Senators Honeyford and Schoesler

Providing a business and occupation tax rate for custom farming services.

Provides a business and occupation tax rate for custom farming services.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Agriculture & Rural Economic Development.

SB 5060 by Senators Honeyford, Schoesler, and Sheldon
Changing the seriousness level for attempting to elude a pursuing police vehicle.

Revises the seriousness level for attempting to elude a pursuing police vehicle.

-- 2007 REGULAR SESSION --
Jan 9 First reading, referred to Judiciary.

SB 5061 by Senators Honeyford, Schoesler, and Sheldon
Increasing penalties for taking a motor vehicle without permission.

Increases penalties for taking a motor vehicle without permission.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Judiciary.

SB 5062 by Senators Prentice, Rasmussen, Honeyford, Schoesler, Franklin, Shin, and Roach

Authorizing certain members of the teachers' retirement system plan 1 to join the public employees' retirement system plan 1.

Authorizes certain members of the teachers' retirement system plan 1 to join the public employees' retirement system plan 1.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Ways & Means.

SB 5063 by Senators Kohl-Welles, Fairley, Rockefeller, Kline, Schoesler, Keiser, Parlette, Kauffman, Fraser, and Shin

Removing gender references.

Declares an intent to make technical changes throughout chapters 41.08, 41.12, 41.16, and 41.18 RCW with regard to gender-specific terminology. The legislature finds that gender-neutral terms must be used in accordance with RCW 44.04.210. This act is technical in nature and no substantive legal changes are intended or implied.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Labor, Commerce, Research & Development.

SB 5064 by Senators Jacobsen and Haugen

Designating the Garry Oak as the state oak tree.

Designates the Garry Oak as the state oak tree.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Natural Resources, Ocean & Recreation.

SB 5065 by Senator Jacobsen

Regulating interchange and associated fees.

Declares that "interchange fee" means the fee a merchant's financial institution pays to a cardholder's financial institution when a cardholder uses a credit card or debit card as payment during a retail transaction.

Declares that financial institutions may not charge interchange fees that are more than one and one-half percent of the total cost of the retail transaction.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Financial Institutions & Insurance.

SB 5066 by Senator Jacobsen

Concerning animal protection orders.

Provides that the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order directing the care, custody, or control of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Judiciary.

SB 5067 by Senator Jacobsen

Requiring the use of headlights when windshield wipers are used.

Requires that every vehicle upon a highway within this state must display lighted headlights at any time when the vehicle's windshield wipers are in use due to snow, rain, fog, or other sight-limiting atmospheric conditions.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Transportation.

SB 5068 by Senator Jacobsen

Creating an international airport expedited security screening task force.

Declares that an evaluation of whether Washington should participate in a federal program to expedite airport security screening processes will aid the decision makers in this state to develop a more efficient and effective security screening policy.

Provides that the international airport expedited security screening task force shall, upon convening, examine the findings and recommendations of the United States transportation security administration's registered traveler pilot program and any and all other information that may be pertinent to expediting security screening at international airports in Washington state, including the use of a driver's license. The task force shall report its findings to the port of Seattle and the transportation committees of the legislature by December 1, 2007.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Transportation.

SB 5069 by Senators Prentice, Regala, Tom, Kauffman, Oemig, Hobbs, McAuliffe, Kline, Jacobsen, Keiser, and Kohl-Welles

Extending retirement benefits to domestic partners.

Extends retirement benefits to domestic partners.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Ways & Means.

-- 2007 REGULAR SESSION --
Jan 9 First reading, referred to Government
Operations & Elections.

Senate Concurrent Resolutions

SCR 8401 by Senators Jacobsen, Murray, Kohl-Welles, and Kline

Resolving to create a state poet laureate.

Resolves to create a state poet laureate.

-- 2007 REGULAR SESSION --

Jan 9 First reading, referred to Government
Operations & Elections.

Senate Joint Resolutions

SJR 8205 by Senator Jacobsen

Relating to the constitutional provisions regarding initiatives and referendums.

Proposes amendments to the constitutional provisions regarding initiatives and referendums.